IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO. 327 OF 2005

Sharad Pandurang Kadam & Ors. ...Petitioners

Versus

The State of Maharashtra & Ors. ...Respondents

.....

Mr. D.S. Sakhalkar, Advocate for Petitioners

Mr. Y.S. Bhate, Advocate for Respondent No.2.

Mr. M.S. Sawant, Advocate for Respondent Nos. 3 & 4.

Mr. S.R. Shinde, A.P.P. for State.

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CORAM: SMT. V.K. TAHILRAMANI, J.

DATED: 13TH JUNE, 2005

P. C.:-

1. Heard both sides.

2. The petitioners have prayed for quashing of process issued against them in Case No. 1413/SW of 2004 pending in the Court of learned Magistrate, 10th Court, Andheri, Mumbai. In the said case, process has been issued against the petitioners under Sections 120-B, 423 r.w. 193, 201 and 114 of I.P.C.

3. For the reasons recorded in my order dated 8th June, 2005 passed in Criminal Application No.645 of 2005 and order dated 13th June, 2005 passed in

Criminal writ petition No. 213 of 2005, the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer revision before the concerned Sessions Court.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions Court, the concerned Sessions Court shall dispose of the same on merits after hearing the necessary parties.

6. Criminal writ petition is disposed of.

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